

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUSTIN VOUGHT
Plaintiff,

-vs-

Case No. _____
Hon. _____

ALLY FINANCIAL INC.,
Defendant.

_____ /

COMPLAINT

NOW COMES, the Plaintiff, JUSTIN VOUGHT, through his attorneys at FRANK D. EAMAN PLLC., by Suzan Gabbara, and alleges the following:

THE PARTIES

1. The Plaintiff, Justin Vought, is a resident of Oakland County, Michigan, and an adult citizen of the United States.
2. The Defendant is a foreign corporation with a resident agent in Plymouth, Michigan.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to 15 U.S.C. § 1681 et seq., the “Fair Credit Reporting Act” (FCRA) and 15 U.S.C. §§ 1692-1692p, the “Fair Debt Collection Practices Act.”

4. Venue is proper in this Court because the event or omissions giving rise to this claim occurred in this district and Defendant is subject to personal jurisdiction.

DEFENDANT'S STATUTORY VIOLATIONS

5. The Defendant is reporting derogatory information about Plaintiff to one or more consumer reporting agencies (credit bureaus) as defined by 15 U.S.C. § 1681a.
6. Specifically, this derogatory information that is being reported by Defendant is in reference to and account numbered 045914574981.
7. Defendant is reporting different derogatory information to reporting agencies (credit bureaus) about this same account. (See excerpt of Plaintiff's credit report referencing this account, attached as Exhibit A)
6. Plaintiff has disputed the accuracy of the derogatory information reported by the Defendant on three separate occasions. (See letters, attached as Exhibit B)
7. Defendant has not responded to Plaintiff's letters of dispute by providing evidence of the alleged debt to Plaintiff.
8. Defendant has not provided notice of this disputed matter to at least one of the Credit Bureaus, Experian, and is therefore in violation of 15 U.S.C. § 1681s-2 which requires this notice.

9. Defendant has failed to comply with 15 U.S.C. § 1692g in that it has not within 5 days of Plaintiff's initial communication (nor at any other time) sent Plaintiff written documentation of the amount of the debt, the name of the original creditor, nor other information required by the Fair Credit Reporting Act.

10. Defendant has failed to complete an investigation of Plaintiff's written dispute and provide the results of an investigation to Plaintiff within the 30 day period as required by 15 U.S.C. § 1681s-2.

11. Defendant has not notified Plaintiff of any determination that Plaintiff's dispute is frivolous or irrelevant within the 5 days required by 15 U.S.C. § 1681s-2, nor at any other time.

RELIEF REQUESTED

Plaintiff seeks a reasonable and fair judgment against Defendant for willful noncompliance of the Fair Credit Reporting Act and seeks his statutory remedies as defined by 15 U.S.C. § 1681n and demands:

1. \$1,000 for actual damages;
2. \$25,000 in punitive damages; and
3. Permanent injunction against the Defendant from reporting derogatory information about Plaintiff to Consumer Reporting Agencies (credit bureaus).

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Dated: 1-25-17



JUSTIN VOUGHT

Respectfully Submitted,

/S/ SUZAN GABBARA

FRANK D. EAMAN, PLLC

Suzan S. Gabbara (P76633)

Attorney for Plaintiff

1441 E. Maple Rd. Ste. 304

Troy, MI 48083

gabbara@eamanlaw.com

(248) 633-2244 / (248) 420-2269

Dated: January 25, 2017

DEMAND FOR JURY

Plaintiff respectfully demands a trial by jury.

Respectfully Submitted,

/s/ SUZAN GABBARA

FRANK D. EAMAN, PLLC

Suzan S. Gabbara (P76633)

Attorney for Plaintiff

1441 E. Maple Rd. Ste. 304

Troy, MI 48083

gabbara@eamanlaw.com

(248) 633-2244 / (248) 420-2269

Dated: January 25, 2017